

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,)
))
))
Plaintiff,))
))
v.) Case No. 4:17-cv-00454-GKF-jfj
))
1) CASTLE HILL STUDIOS LLC) REDACTED
(d/b/a CASTLE HILL GAMING);)
2) CASTLE HILL HOLDING LLC)
(d/b/a CASTLE HILL GAMING); and)
3) IRONWORKS DEVELOPMENT, LLC)
(d/b/a CASTLE HILL GAMING))
))
Defendants.)

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN
SUPPORT OF ITS MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Local Civil Rule 7.2(h), Plaintiff Video Gaming Technologies, Inc. (“VGT”) respectfully moves for leave to file a supplemental brief in support of its motion for leave to amend its complaint to add trade secret claims under federal and Virginia law (Dkt. No. 73). The reason for the supplemental brief is to apprise the Court of recently discovered evidence that raises questions about arguments Defendants made in opposing VGT’s motion for leave to amend. Specifically, Defendants’ opposition to that motion asserts that “VGT’s ‘on information and belief’ allegation that Castle Hill misappropriated its source code has turned out to be completely false.” Dkt. No. 79 at 4. But recently discovered evidence indicates that two former VGT engineers now employed by Defendants took source code when leaving VGT. Indeed, in an exchange between two former VGT engineers (both of whom joined Defendants), one of the engineers admitted, “[REDACTED]

■.” The other responded, in part, ■■■■■

and acknowledged that he also took source code with him when he left VGT.

Defendants did not produce this information until June 15, and Plaintiff discovered it on June 28. Plaintiff promptly discussed this issue with Defendants on June 29, and requested Defendants’ position on this motion in a July 2 letter. But Defendants have declined to provide a position on this motion. Although Plaintiff’s investigation into this issue is ongoing, the new evidence raises questions about statements made in Defendants’ opposition brief. Accordingly, Plaintiff moves to file a two-page supplemental brief, which is already drafted, to ensure that there is a complete record before the Court.

Dated: July 9, 2018

Respectfully submitted,

/s/ Gary M. Rubman

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2018, I caused the foregoing to be filed via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

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